

**Frederick County Ethics Commission**  
**Minutes for the Public Meeting of Wednesday, February 8, 2017**

Present:        Brian Duncan, Chair  
                  Stephen K. Hess, Vice Chair  
                  Christopher Glass, Sr., Commission Member  
                  Deborah L. Lundahl, Commission Member  
                  Alan Shapiro, Commission Member  
                  Timothy Tosten, Commission Member  
                  Ernest A. Heller, Alternate Commission Member  
                  Linda B. Thall, Senior Assistant County Attorney

Absent:         M. Shane Canfield, Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on February 8, 2017, in the Winchester Room on the 2<sup>nd</sup> floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

**Commission representation on the Ethics Commission Nominating Committee** – Mr. Duncan, who is the current Commission representative on the Nominating Committee, noted that his term on the Ethics Commission ends on June 30, 2017, as does the term of Mr. Hess. Mr. Duncan and Mr. Hess are therefore disqualified from serving on the Nominating Committee should they seek reappointment. Mr. Duncan asked which member of the Ethics Commission was willing to serve as the Commission's representative on the Nominating Committee. A general discussion of the duties of the Nominating Committee then took place and Mr. Heller agreed to take on this responsibility.

**Distribution of the Public Ethics Report** – Prior to the meeting, the Chief Administrative Officer transmitted to the Ethics Commission the 2016 Year-End Public Ethics Report for the reporting period July 1, 2016 to December 31, 2016. Copies of the Report were handed out at the meeting. The Commission discussed the Public Ethics Law and that Law's requirement for the reporting of ex parte communications on certain types of pending land use applications.

**Discussion of training on the Ethics Law** – The Ethics Commission continued its discussion of the need for training on the Ethics Law. Mr. Duncan identified a number of issues for discussion, including the types of training to be offered (such as in-person training, web-based training and power point presentations), the persons who would receive training (elected and appointed officials, County employees, members of County Boards and Commissions and possibly lobbyists), the frequency and timing of the training, and the subject matters to be covered. The members discussed subjects such as outside employment and the possible need for training specific to certain departments that have adopted a code of ethics. Mr. Duncan provided handouts of training materials used

by the Anne Arundel and Montgomery County Ethics Commissions. Mr. Hess mentioned options such as face-to-face training, on-line training, document review and informational pamphlets and discussed the merits of training for new employees and annual refresher training. Mr. Hess also suggested that supervisors be responsible for providing documentation of the training provided to the employees they supervise.

The Commission members agreed that it was important to determine at the start the extent to which the County Executive supports mandatory ethics training. The members agreed that Mr. Duncan and Mr. Hess would meet with the County Executive to discuss the Commission's general concepts and plans before spending a large amount of time coming up with specific training materials. The members further agreed that the Commission should phase in any training requirements, rather than attempt to institute a comprehensive training program all at once. Mr. Hess recommended that the need for the training be addressed in the recommendation to the County Executive. Mr. Shapiro stated that it was not necessary for there to be in-person training every year. Mr. Heller suggested that certain types of ethics reminders may be needed as it gets closer to the next election. Mr. Duncan agreed that annual training for every employee may not be needed and stated that training could be linked to an employee's changing positions or being promoted. Mr. Hess thought that the need for repeat training could vary from position to position. Mr. Tosten suggested that the focus of the training could differ every year so that the same training was not repeated from year to year.

Mr. Duncan will work with the Senior Assistant County Attorney to prepare a memorandum to the County Executive describing the different types of training and proposing a timeline. The memorandum will be circulated to the Ethics Commission members for review and comment. Mr. Duncan suggested a three-year implementation plan, with use of a power point presentation the first year. Mr. Tosten supported starting with a power point presentation. A suggestion was made that a pamphlet be prepared for persons registering as a lobbyist and it was noted that this, along with the other items discussed, could have an impact on the County budget. At the end of the discussion, Mr. Tosten commented that the Ethics Commission should look at revising the annual financial disclosure statements.

### **Adjournment**

The Ethics Commission adjourned its meeting at 8:00 p.m.

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/s/  
Linda B. Thall, Senior Assistant County Attorney